



Arizona Ombudsman-Citizens' Aide

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Members of the Arizona Legislature

The Honorable Janet Napolitano, Governor

Pursuant to A.R.S. § 41-1376, I have the honor of submitting my annual report on the performance of our office during calendar year 2003.

This is our eighth annual report and we hope it paints a picture of what our office does for the people of Arizona. As in previous reports, we have included a generous sampling of the kinds of problems that citizens bring to us and how we responded to them. We have also presented information that statute directs us to provide to the legislature, governor and public.

Caseload

Our caseload has grown to record levels. The first quarter this year was the busiest we have ever had and the second quarter was even busier. Overall, our caseload increased by about 30% to 3788 cases. We attribute this dramatic increase to the budget crunch that state agencies have been experiencing for the past several years. We have found that many agencies have not been able to do all the things they did for citizens in the past and it often takes them longer to respond to citizen needs. For example, a license application that used to take a month to process may now sit for a month before anyone even begins to process it. Also, many agencies have been operating with moderate to severe personnel shortages that adversely impact how they conduct their operations. As the increased workload is spread out among fewer people, the opportunity to make mistakes increases. All this translates to more calls to our office because we are the place people turn when they believe their government has let them down.

Mission

The mission of the Arizona Ombudsman-Citizens' Aide is to improve the effectiveness, efficiency and responsiveness of state government by receiving public complaints, investigating the administrative acts of state agencies and, when warranted, recommending fair and appropriate remedy.

Staff

It takes an exceptional person to be an ombudsman. Our staff has to deal with everything from angry citizens to entrenched bureaucrats. Most complaints that people bring to us are difficult because the easy ones have already been resolved. A good ombudsman combines the interpersonal skills of a social worker, the investigative skills of a police detective, the conflict resolution skills of a mediator and the negotiating skills of a diplomat.

Since there are no schools that offer a degree in ombudsmanship, a new ombudsman usually has a steep learning curve. Fortunately, our staff has been stable for two years. This has allowed us to become more effective and efficient. Our staff remains:

Pat Shannahan	Ombudsman
Paula Goodson	Deputy Ombudsman
Ellen Stenson	Assistant Ombudsman for Child Protective Services
Linda Stiles	Assistant Ombudsman
Maricarmen Martinez	Assistant Ombudsman

In addition to training we conduct on our own, our staff has been trained and certified in three areas:

Investigation: Everyone is a certified investigator by either the Council of Licensure, Enforcement, and Regulation (CLEAR) or the Basic Regulatory Investigator Course run by the Arizona Government University. (CLEAR is the national organization that trains and certifies investigators who work for regulatory agencies.)

Mediation: Everyone has completed a formal 40-hour course of instruction in mediation.

Ombudsmanship: Our staff has completed a general orientation course in how to be an ombudsman that is taught by either The Ombudsman Association or the United States Ombudsman Association.

Conclusion

We hope you find this report useful and informative. Please contact us if you have any questions or comments. We welcome the opportunity to sit down and discuss our program with you.

We could also use your help in spreading the word about the services we offer. If you know of someone who could use our help, please let us know so we can contact him or her.

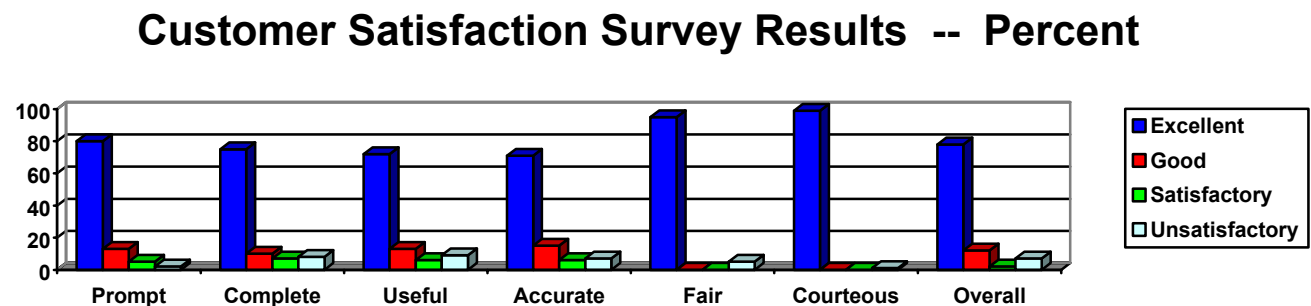
Pat Shannahan
Ombudsman-Citizens' Aide

Customer Satisfaction Survey

It is important for us to receive feedback from the citizens we help so that we can evaluate our performance, correct shortcomings and improve our service. One way we get feedback is through our customer satisfaction survey. The survey measures how well we are accomplishing six standards that we developed in our strategic plan. These standards are:

- Respond **promptly** to citizen inquiries.
- Provide as **complete** a response as possible.
- Provide **useful** information to citizens.
- Provide **accurate** response to citizen complaints.
- Treat everyone **fairly**.
- Treat everyone **with courtesy and respect**.

The following chart and comments summarize the results of the survey for calendar year 2003:



Selected Survey Comments

It took the Ombudsman-Citizens' Aide one week to correct an error that I had been trying to get Arizona State to fix for two years. The Ombudsman program is a resource more people should know about. Thank you so much!

I am confident that absolutely nothing would have been done to resolve my problem if the Aide had not gone to bat for me -- I am so grateful.

I want to thank Paula for doing in one week what I could not do in over three years. Thank you very much Paula.

I would be in an insane asylum if it weren't for you! How do you get government to move so fast?

Linda has been a blessing. Helping to get a very difficult situation understood and handled.

Thank you Maricarmen and your office for your indispensable help in solving my problem.

After two hours of circulating through government numbers, I spotted the Ombudsman. The young lady who took my call made a determined, thoughtful and unhurried effort to help me. She did an absolutely wonderful job.

Thank you for the wonderful help we received last week. The girls I talked to were nice and returned my call and we have all the information we need. My family and friends will get your phone number.

Maricarmen assisted me. Her assistance has proven to be invaluable. Thank you.

This was a very positive and productive experience. Thank you for your helpfulness.

Linda Stiles' cheerful and very helpful attitude was far above my expectations! A grateful citizen.

Paula was terrific: Positive results literally occurred minutes after end of call.

The service is excellent. It's the second time the ombudsman has intervened with Child Support Enforcement and been successful.

Paula got me in touch with people I could not get to answer their phones. I tried their phone 3 different times, different times of the day and different days.

Excellent service and treatment much above other departments contacted.

Paula, thank you very much for spending so much time on my registration renewal problem. I have learned a lot of things in the process. Arizona is a truly wonderful state. I have chosen right to retire here. Best regards.

Thank you again for your prompt response. It appears you really keep "on top of your job."

Thank you for your help. The MVD listened to my problem and waived the fee because they used the wrong mailing address.

How We Help People

We classify our response to citizen inquiries into three categories:

1. Coaching. Quite often, people come to us with problems they could handle themselves, if only they knew how. We try to help these folks by giving them the tools they need to go out and be their own advocates.

Coaching includes:

- ✓ defining issues and rights,
- ✓ identifying options and interests,
- ✓ referring people to the right administrators;
- ✓ explaining the process and helping them get started,
- ✓ identifying and researching information, and
- ✓ developing reasonable expectations.

Coaching is the starting point for all our cases and may be enough to give citizens the information and confidence they need to address their problems on their own.

2. Informal Assistance. Sometimes coaching isn't enough and people need a helping hand. Most complaints are the result of miscommunication, a simple mistake, or a glitch that caused the normal administrative process to break down. We try to resolve these problems as quickly and informally as possible by correcting the problem so that the administrative process can work the way it was designed. We may call an agency on the citizen's behalf, facilitate a meeting between the citizen and agency, or coordinate an action between agencies. We can also help people gather the documents they need to prove their case. Assistance focuses on solving the problem, instead of assigning blame.

3. Investigation. Some complaints are more serious and don't lend themselves to informal techniques. When the nature of the complaint warrants, we conduct an investigation. If we believe the complaint is justified, we work with the parties to try to reach an appropriate solution. Although we have no authority to compel an agency to follow our recommendations, most administrators are more than willing to resolve a legitimate problem once we bring it to their attention. If the complaint is not justified, we go back to the complainant and explain what we found and why we believe the agency acted appropriately. If necessary, we write a report of our findings and recommendations and send it to the agency, legislature, governor, public, and/or attorney general, as appropriate.

Value

At this point in our annual report we usually offer examples of the kinds of problems we help resolve so that people can get a better understanding of what we do. Simply providing case examples and statistics does not go far enough to reflect the value we provide to citizens and government. So, this year we decided to borrow an idea from the Ombudsman for Canada's Military Forces and organize our case summaries into categories. We selected eight categories that better show the kinds of things we do.

- Did we resolve a case that no one else was able to resolve internally?
- Did we provide an alternative avenue to a more expensive dispute resolution mechanism?
- Did our intervention settle a relatively simple dispute that was causing a negative ripple effect on the organization?
- Have individual cases caused us to identify any trends?
- Did our investigation of a specific complaint shed light on a related matter that was not the subject of a complaint?
- Did our intervention lead to a change in an agency's rules, procedures or practices?
- Did we discover a field practice that was not in accordance with the agency's stated policy/procedure?
- Did our intervention result in better service to citizens?

We hope the following examples will give you a sense of the value we provide to the people of Arizona.

Case Examples

Did we resolve a case that no one else was able to resolve internally?

20031534. A young man who had recently moved to Arizona was convicted for Driving Under the Influence (DUI) here and the Motor Vehicle Division (MVD) suspended his Arizona driving privileges. Since he had an Oregon driver license, MVD sent the report to Oregon. After his suspension period was over, he applied for his Arizona driver license and got it. By that time, however, Oregon had suspended his Oregon license because of the suspension of privileges in Arizona. Once Arizona found out that Oregon had suspended his license there, they canceled his new Arizona license. Now the young man's driving privileges were suspended in both states, even though he had served the full suspension period.

For several months he called both states and no one would contact the other state to verify the information that the young man provided. At our request, Arizona called Oregon and both states confirmed that it was an issue of timing. The matter was resolved and the young man got his license.

20032845. A father contacted us because the DES Division of Child Support Enforcement (DCSE) had credited some of his child support payments to a closed account. They had also sent the payments to the person on that account and did not send them to the current guardian of the child.

The agency then tried to collect the payments from him a second time, so that they could pay them to the correct guardian. They told him it was his responsibility to collect from the previous guardian himself.

We contacted the agency and found out that the man's story was true. He had made payments and DCSE had mistakenly credited them to the closed account and sent the payments to the wrong person.

After our contact, the agency contacted the old guardian and she agreed to send the money to the new guardian and the new guardian agreed to give him credit for the payments. DCSE corrected the record to reflect the payments in the correct account.

20032061. A young woman, who had been terminated from her job, had been denied unemployment insurance because she was not available to work full time. She told us she was not available to work because she was a Job Corps participant. Staff at the DES Unemployment Insurance Office (UI) told her she could only be eligible if she were enrolled in approved training.

We contacted UI to find out if they considered the Job Corps to be approved training. Initially, they said no because the Job Corps provided a stipend and the only way she could collect unemployment insurance would be if the stipend were less than what she

would collect from UI. We found out that the stipend was only \$25 every two weeks, so we went back to UI.

They then said they would have to determine if Job Corps were approved training. We contacted the Job Corps at the Federal level and verified that they were approved training. We passed this information along to UI who finally approved the young woman for her unemployment insurance.

20033502. A state retiree paid \$50,000 to purchase five years of service credit so that he could receive full retirement benefits. When he retired, his pension did not include the five years that he had purchased. The retiree needed the complete amount of his retirement check, not only because he was entitled to it, but also because he had just purchased a home.

He called the Arizona State Retirement System (ASRS) for five months and all they would tell him was that they were behind and they would do it next month. After the fifth month, they told him that it would probably take an additional three months. That's when he called us.

We contacted ASRS and they confirmed that they were running behind, but agreed that anything longer than three months was unacceptable. They updated his record immediately after our call and the retiree's next check reflected the adjustment, made retroactive to his retirement date.

20031726. The Pima County Waste Water Department had been trying to get the Office of Manufactured Housing (OMH) to make sure that contractors had received permits to connect to the sewer system before they approved the inspection of a manufactured home. They said that the OMH person in Tucson refused to work with them and contractors were connecting to the sewer system without first obtaining the county permit required by ordinance.

Staff at the OMH told us that they only inspected up to the connection and didn't inspect the connection itself. They said it was up to the county to make sure that people had the necessary permits, not them. They also mentioned that they had an Inter-governmental agreement at one time, but the county wasn't doing its part so they voided it.

We worked with both the state and county to resolve the matter. For its part, the county agreed to provide fliers reminding contractors about the requirement when they pick-up the zoning permit. OMH agreed to have their permit clerk also pass out the fliers, as long as the county supplied them. We also contacted the Registrar of Contractors who agreed to put an article in their newsletter reminding all contractors that Pima County requires a county connection permit before connecting a sewer line to any home and that connecting without the permit is subject to a \$2500 fine. The county wrote the article.

20031384. A food stamp recipient said that she usually received her food stamps on the tenth of the month, but this month the DES Family Assistance Administration (FAA) did not put anything on her card. She had tried to reach the caseworker and her supervisor, but all she got was voice mail and no one returned her messages.

We contacted the FAA and learned that the caller had submitted all of the necessary paperwork on time. However, she missed her interview because the office failed to send her a notification. Our contact at FAA worked with the local office to facilitate scheduling an interview and the caller has received her food stamps.

20033223. A college student called us because his license was revoked due to a court error. He was able to correct the error with the court, but the Motor Vehicle Division (MVD) would not lift the revocation of his license, even after the court sent the appropriate documents to them. His mother had to drive him across town to go to school and then pick him up and take him to his job, while driving herself to work as well.

We contacted MVD and verified that they had received the paperwork from the court several times. However, the paperwork that they received was incorrect. At our urging, they contacted the courts, obtained the correct paperwork and lifted the revocation so that the student could finally get his license and drive himself.

20032737. A custodial parent called us because the DES Division of Child Support Enforcement (DCSE) was holding a payment of \$3,000 for back child support. The parent said that the agency received the payment two months previously.

We confirmed that DCSE had received the payment and got an approval to release the funds from the Clearinghouse. However, for some unknown reason, the process stalled at that point and DCSE never approved the actual release of the funds. After our intervention, they corrected the mistake and released the funds.

Did we provide an alternative avenue to a more expensive dispute resolution mechanism?

20030212. A father and his daughter came in because the daughter had a problem with the reinstatement of her driver's license. The daughter was charged with a felony DUI and her license was revoked for three years. The judge later changed the violation to a misdemeanor, which brought the revocation period to an end.

The daughter took the paperwork to the Motor Vehicle Division (MVD), but they said that they needed an amended affidavit. She went back to the court, but the court told her that they did not issue those. Even though the charge had actually been reduced to a misdemeanor, the daughter could not get her license reinstated because MVD would only accept an affidavit and the court would not issue one. The father and daughter had

gone back and forth for months without any results. We were their last hope before filing a lawsuit against MVD to reinstate the license.

We worked with MVD and they accepted the document provided by the court, updated the record to reflect the misdemeanor and reinstated her license. They also sent a notice to all MVD offices notifying them of the kinds of documents that they could accept so that this did not happen again to other people.

Without our intervention, the father and daughter would have filed a suit in court.

20030511. A daughter complained that the DES Adult Protective Services (APS) treated her unfairly and were going to file charges that she was exploiting her mother.

We reviewed the information she provided to us, contacted APS, and spoke with the supervisor who called the complainant. Because of our contact, the supervisor decided to meet with the complainant and the worker to see about resolving the concern without going to court. They also met with the mother to see if the relationship with her daughter could be repaired. This intervention saved the expense of a court action against the daughter.

20032806. An Arizona resident complained that her ex-boyfriend stole her motorcycle. Even though it was registered exclusively in her name, the Motor Vehicle Division (MVD) reissued the title in her boyfriend's name. She had requested an investigation, but the agency refused to investigate. They told her that this was a civil matter and she would have to take her boyfriend to court.

We looked into the case and MVD, at our request, conducted its own investigation. They agreed that the MVD agent had issued the title by mistake. They also found out that the motorcycle had been taken to Vermont and had been titled there. To avoid a lawsuit, MVD notified Vermont and both states worked together to recall both titles and return the motorcycle to the woman.

Without our request for an investigation, the woman would have gone to court and it would have cost the state much more than doing the investigation and resolving the issue.

Did our intervention settle a relatively simple dispute that was causing a negative ripple effect on the organization?

20031628. The Department of Health Services (DHS) would not allow the director of a childcare facility the opportunity to use an informal dispute resolution process because she had not turned in the request on time. The director told us she was not even aware of the process because she was never told about it or given a copy of it.

We found out that DHS had implemented this new policy the year before and many people were not familiar with it because DHS had not notified licensed childcare facilities of the new policy.

We discussed different ways DHS could let the facilities know about the new process. They decided that the best and most inexpensive way would be to add a brief paragraph to the notice of inspection. The paragraph informed licensees that they had the right to request the informal dispute resolution and the deadline for filing the request.

The new policy to allow informal dispute resolutions to child care facilities is a very good way to save the agency time and money. However, it will never be effective until people know about it. The new form is an inexpensive way to notify people of this recourse and validates the purpose of the policy.

20030748. A non-custodial parent received a billing notice from the DES Division of Child Support Enforcement that referenced statutes that were no longer in existence. Therefore, recipients of the form letters could not look up the statutes and see how to exercise their appeal rights. The error also caused people to lose confidence in the accuracy of the information that was contained in the rest of the letter.

When we looked into this complaint, we discovered that we had brought this matter to the attention of DES in 2001 and they agreed, at that time, to correct the error. Unfortunately, DES didn't do so and the billing letter still referenced statutes that had been superceded for at least five years.

Therefore, we reopened the investigation. As a result, DES revised the billing notice so that it now references current statutes. This time we stuck with it until DES proved to us that they had actually revised the letter.

Have individual cases caused us to identify any trends?

20031144. When a father applied for food stamps for his family, staff at the DES Division of Benefits and Medical Eligibility (DBME) told him that someone else was using his son's social security number. DBME staff also told the father that there was nothing they could do about it and he would have to contact the Attorney General (AG). When he contacted the AG's Office, he was told that they couldn't help him either and that he should contact our office.

Since investigating identity fraud is not within our jurisdiction, we decided to find the agency that could help this father. We first contacted the AG's office and spoke to the Assistant AG who works on identity fraud. She said that DES should be following its own procedures by turning over this kind of information to its Office of Special Investigations. She said that all too often DES was not investigating these allegations itself, as it should.

We then contacted the DES Office of Special Investigations and they acknowledged that they were the ones who should be assisting the citizen. They contacted the citizen, took the complaint and investigated the fraudulent social security use. They also told us that sometimes local DES offices referred people to the AG instead of them.

The DES Ombudsman's office helped us by following up to ensure that all DES offices were updated on what procedure they should follow when they discover fraudulent social security number use. DES confirmed to us that they have updated their internal procedures and that offices and employees have been trained now to know what to do when this type of fraud occurs in the future.

20030606. A father called because his child turned 18 and he believed his child support payments should stop. The DES Division of Child Support Enforcement (DCSE) said that he needed to prove that the child was out of school. The father contacted the school to get proof, but the school would not give the father access to the child's records because the child was over 18.

We contacted DCSE who was finally able to learn from the school that the child was no longer attending. Since the mother provided no proof that the child was attending another qualified institution, DCSE took action to stop the current child support.

When the current support was stopped, the father then asked for a recalculation of the arrears. The amount was thousands more than he thought. He believed that DCSE was charging him more than they should. He also said he had proof of payments for which he had not been credited.

We opened an investigation and found that interest on the arrears had never been added to the account and that dad actually did owe the interest on the arrears. The complainant also never provided us with evidence that he had paid other support that was not credited to him, so we did not substantiate his claim.

We continued our investigation, however, because we wanted to know why interest had not been added to the account previously and how many other cases there were where interest had not been added to the debt owed. The reason this is important is that non-custodial parents receive statements that show how much back child support they owe. If interest is not included, the parent won't find out until several years later that he or she actually owes several times more than what the statements indicate.

DCSE did an AdHoc inquiry for us to determine the extent of the situation and found that 19% of the cases with debts were not posting accruing interest. For the most part, these were cases that were activated prior to 1996 and where there had been no inquiry regarding the amount owed. We were satisfied that interest is being continually added to cases opened since 1996.

In those cases, interest is added on only when a recalculation is done (e.g. when a non-custodial parent submits a request for payoff). DCSE provided us with copies of several

different form letters sent to non-custodial parents that indicate interest may be accruing on any unpaid balance. The statement of account summary is very clear about whether or not interest has been calculated on the balance. The exception would be out of state or foreign orders where interest would be calculated by the originating jurisdiction.

We are still meeting with DCSE to discuss what can be done about ensuring that everyone who owes child support is getting correct information about what they owe.

Did our intervention lead to a change in an agency's rules, procedures or practices?

20031939. A former complainant said that the Board of Optometry required that every request for public records, including agendas of board meetings, be notarized. She said this put an undue burden on her because now she had to take the time to get the request notarized and also had to pay a notary fee.

We contacted the Executive Director of the Board and he confirmed that the Board required that requests for public records be notarized. We surveyed other Boards and Commissions and discovered that none had this requirement. Upon our request, the Section Chief for the Licensing Enforcement Section of the Attorney General's Office reviewed the complaint and conferred with the Board. The Board changed its procedure and no longer requires requests for public records to be notarized.

20030547. The owner of several traffic survival schools believed the Arizona Department of Transportation (ADOT) was sending everyone who needed a disability accommodation to his school, causing him to spend a large amount of money for interpreters. He felt that ADOT was not requiring other schools to comply with the law.

Because we brought attention to this issue, ADOT reviewed its obligation to see that its vendors followed federal law. As a result, ADOT reminded schools that they need to comply with the Americans with Disability Act and will be writing into rule that schools need to comply to be licensed and what will happen if they don't.

20032165. The foster parents of a developmentally disabled child alleged that the DES Division of Developmental Disabilities (DDD) unlawfully removed a child from their care.

We investigated their allegation. DDD said it removed the child at the request of the foster parents. The foster parents said that they never asked DDD to remove the child, but had only asked for respite. We could not determine what the parents actually said, but noticed a weakness in communications between DDD and this foster family. This was not the first time a miscommunication like this had happened and DDD was in danger of losing this foster family.

We believe that the decision to permanently remove a foster child is of such significance that it should not be based on a mere telephone call. We recommended to DDD that

when foster parents ask for a removal, DDD meet with them to confirm their decision and that the parents sign a statement acknowledging their request. This would prevent miscommunications, like this one, from recurring. DDD accepted our recommendation.

Did we discover a field practice that was not in accordance with the agency's stated policy/procedure?

20031225. A single father in a rural county applied for benefits through the DES Division of Benefits and Medical Eligibility (DBME). He was denied because his disability check put him over the income limit. However, his disability benefit ended the prior month, so he actually was qualified. Unfortunately, the insurance company that was paying the disability had given incorrect information to DBME. He went in to the local office to file an appeal and was denied the right to file one.

We looked into why he was denied the appeal and found out that the manager and employee who denied it were not aware that they could accept appeals. They apologized to the complainant and allowed him to file his appeal. The rural office now knows that they can accept appeals. DBME also verified the corrected information from the insurance company and approved the father's benefits.

20032718. An Arizona Health Care Cost Containment System (AHCCCS) patient was informed that because his income had increased, he was no longer eligible for coverage. He said his income had not increased and filed for a hearing. Even though AHCCCS is required to continue his coverage until the outcome of the hearing, he received a notice alerting him that his coverage had been terminated.

We called AHCCCS and they updated the patient's file and reinstated his coverage, retroactive to the date of termination. It will stay in effect until the hearing.

20032106. A citizen wanted to complain about food stamp fraud. He tried to call the DES fraud hotline, but said there was no way to report fraud involving foodstamps through the automated system. He said he had called several other numbers and was finally directed to our office.

We contacted the fraud hotline ourselves and noticed that there was no option to report food stamp fraud. We then contacted the Special Investigations Office at the Department of Economic Security. After we talked to an investigator, he contacted the citizen to get the details and started an investigation of the fraud complaint.

We asked about the reporting system and found that there actually was an option to press to report food stamp fraud, but the recording called it a "Quest Card." We pointed out to DES that someone not on food stamps would not know what a "Quest Card" was and suggested that they change the prompt so that anyone could understand how to report. The inspector thought that made a lot of sense. We are still working with DES to change the voice message.

20030341. A pregnant woman needed medical coverage because her employer did not provide it and she could not afford it. She applied through the DES Division of Benefits and Medical Eligibility and was denied. Staff at the agency told her that even though she was over 18 she was not eligible to apply for benefits in her own name because she lived with her mother.

Our agency contact told us that she did qualify for individual medical coverage for herself and her son. We arranged for her to go and apply again. This time, our contact made sure the staff of the local office knew what the proper procedures were. The mother was approved and received the prenatal care she needed.

Did our intervention result in better service to citizens?

20031072. A non-custodial parent had his child support taken out of his paycheck every month. When he got a second job, the new employer started taking the same amount out of that paycheck too. So, he ended up paying double the child support.

We contacted the DES Division of Child Support Enforcement (DCSE). When the father started his new job, a new-hire report was generated causing the state to initiate an additional withholding. Once DCSE found out that the second withholding was a mistake, they immediately stopped it and refunded the excess payment.

20032646. A landlord said that the DES Family Assistance Administration (FAA) used to visit the Whitman Community Center to conduct interviews for services. Because of budget cuts, they had stopped doing so and the residents of Whitman had to travel to Wickenburg. She said she had a border who needed food stamps, but he was disabled and unable to travel to Wickenburg.

We called the FAA and they told us that, if requested, applications could be sent through the mail. They could also conduct phone interviews for food stamps. If a face-to-face interview needed to be conducted, and if the applicant was disabled, they could schedule a home visit. In addition, we learned that the Red Cross provides transportation from Whitman to Wickenburg. We gave this information to the caller so that the disabled man could get his food stamps.

20031257. A homeowner complained that the Arizona Department of Transportation (ADOT) had condemned her property two months prior but had not yet paid off the mortgage. She was worried because her note on the property was due in two days and ADOT had not contacted her mortgage company. She had already taken ADOT to court once and the judge ordered them to pay-off the mortgage, but so far she had not received anything. She said if she did not receive prompt payment from ADOT, she would have to take them back to court.

We contacted ADOT and learned that they could not issue the checks until the homeowner had filled-out a W-9 form. Once that form was turned in, ADOT contacted the State Treasurer's Office who immediately cut the checks. Our contact at ADOT picked them up the same day and hand-delivered them to the homeowner.

20030193. A diabetic man contacted us because three months previously, his Arizona Health Care Cost Containment System (AHCCCS) provider sent him a letter alerting him that they would no longer cover the purchase of his insulin. He was also a member of a private health plan and thought that they would cover it. Unfortunately, when he went to fill his prescription, the pharmacy told him that the private plan no longer covered insulin either. He didn't know what to do because he was disabled and could not afford the price of the prescriptions.

We contacted AHCCCS and they told us that all of their providers cover insulin. They looked up the caller and he is still currently on their Health Choice plan. If his private plan does not cover his insulin, Health Choice will pay for it. We provided this information to the caller, advised him on what to do if the pharmacy declined to fill the prescription and ensured he got the insulin he needed.

20030875. A disabled woman complained that the DES Rehabilitation Services Administration (RSA) sent a contractor to make modifications to her bathroom. The contractor botched the job, causing the bathroom to flood. Now she was having problems with her toilet and had to turn off the water to her bathroom. She wanted the problem corrected, but the contractor refused to come back to her home and RSA had been unresponsive.

We contacted RSA and they agreed there were problems with this job. They were willing to correct any problems caused by their contractor's work and offered to have another contractor survey the bathroom to make an assessment. They even allowed the woman to select a contractor of her choice. In the meantime, they sent a contractor to her home to make some immediate repairs so that the woman could use her bathroom. We called the woman to confirm that she was satisfied with the way RSA was handling the matter.

CPS Ombudsman's Report

Throughout the course of the year, the media reported on and sensationalized a number of CPS cases. Understandably, the public was enraged that children who had previous contact with CPS were harmed or died as the result of continuing abuse or neglect. Our office is in the unique position of having the authority to investigate CPS's actions. We are given the statutory authority to access CPS records and talk to agency personnel involved in the case.

In these high-profile case investigations, we look at CPS' involvement with the family beginning with the first report made to the CPS hotline. We look at how CPS handled each report called into the hotline and whether the agency investigated each of the allegations. In at least one case, we found that CPS' investigation of the previous reports on the family could have, and should have, gone further to adequately assess whether the children were safe. Too often, the family was referred to Family Builders or Family Preservation contractors and the contractor was unable to locate or engage the family in services. CPS then did not keep the case open and fully investigate the initial report. The family essentially "fell through the cracks" in the system.

In some cases that are brought to our attention, the same complaint was made to the agency and other officials but it went unresolved because the agency essentially investigated itself and its own workers. Again, our unique position of being outside the agency yet having the authority to access the agency's records, has allowed us to independently investigate and report our findings. As a neutral party, we consider the family's concerns about CPS' actions, gather evidence and interview all persons involved. We can then make recommendations to the agency to correct errors that were made in the case or consider evidence that the agency had overlooked. Sometimes, we vindicate the agency of any wrongdoing in that particular case.

2003 was a busy year for us with calls and complaints about CPS. Our CPS caseload increased about 30 percent, consistent with the increase in the number of dependencies the agency filed. We saw a marked increase in the number of calls we received from parents whose children had just been removed from their care.

One factor that increased the number of CPS interventions and dependencies filed is the agency's use of a safety assessment tool, which was implemented statewide in 2003. The investigator is required to complete a safety assessment after the initial contact with the children and parents, and again before the investigator transfers the case to an ongoing case manager or closes the case. The safety assessment tool asks the CPS worker to consider 18 questions to help the worker determine whether a child is safe in his or her current environment. Among those questions, the case worker is asked to consider the child's attitude toward the caregiver, the caregiver's explanation for the child's injury or condition, the caregiver's ability and willingness to protect the child, and the child's environment, including whether there are drugs or alcohol in the home or used by the caregiver. If the child is determined to be unsafe at any time, the case worker and family must develop and agree to a safety plan.

Similar to the safety assessment tool, the agency is developing and implementing the use of a risk assessment tool. While the safety assessment tool considers the child's and family's current situation and environment, the risk assessment tool is designed to help the case worker assess the risks to the child in the future in order to help prevent further abuse and neglect from occurring.

Unfortunately, the number of family foster homes did not increase commensurately with the increase in the number of dependent children in Arizona. One result of that conundrum is that children are in temporary shelter facilities much longer. The intent of a temporary shelter facility is to house a child for 21 days or less when the child is first removed from his or her caregiver. In late 2003, children were spending an average of 80 days in a shelter before being placed in a family foster home.

We are hopeful that the new legislation resulting from the 2003 special session will reduce the number of children who continue to be at risk despite CPS' awareness of the family. The requirement that CPS investigate 100 percent of hotline reports is instrumental in this endeavor. CPS will still be able to use Family Builder contractors to work with the family and address issues that put children at risk, but only after CPS has made the initial assessment of whether the children are safe.

Another key piece of legislation that will keep families from falling through the cracks is the alternative to the formal dependency process, referred to as in-home intervention. CPS can file a dependency petition and the court has the option of ordering a stay on the dependency with the parents' agreement that they will participate in services. If the family refuses services, or discontinues their participation, the court can lift the stay and proceed with the formal dependency process. Those families with multiple reports of chronic neglect issues will be required to participate in services to address the issues that are continually reported to CPS which leave the children at risk.

There are many participants in Arizona's child welfare system that, together with CPS, make children safer in Arizona. This is an exciting time to be just one cog in the dynamic machine that is child welfare in Arizona.

Ellen Stenson
Assistant Ombudsman for CPS

STAFF

Patrick Shannahan, Ombudsman-Citizens' Aide. Pat was appointed Arizona's first Ombudsman-Citizens' Aide on July 1, 1996. He is a former military officer with extensive experience in management, problem solving, strategic planning, and negotiation. Pat's last military assignment was with the Joint Chiefs of Staff where he participated in international arms control negotiations, represented the Joint Chiefs at interagency working groups and helped formulate national security policy. Pat has completed the mediation training program presented by the Attorney General's Office and investigator training through the Council on Licensure, Enforcement and Regulation. He has a bachelor's degree from Arizona State University, a master's degree from Webster University and was a research fellow at the National Defense University in Washington DC. He is active in the United States Ombudsman Association and the Arizona State University Alumni Association.

Paula Goodson, Deputy Ombudsman. Paula joined the office in 2001 after serving eight years with the Governor's Division for Women, two as director. Her most recent experience has been working with senior volunteers in the Sun Cities area. While with the Governor's Office, Paula worked with employment and training programs, women in business, displaced homemakers, welfare to work, community based organizations and acted as community liaison and advocate through that office to the Governor. Paula has over 20 years experience working in the human resources and customer services areas. She has completed mediation training through Accord Mediation Services. She has also completed ombudsman training sponsored by The Ombudsman Association and investigator training through the Council on Licensure, Enforcement and Regulation.

Ellen Stenson, Assistant Ombudsman for CPS. Ellen became an assistant ombudsman-citizens' aide in July 1997. After five years as a general ombudsman, she now focuses solely on complaints about Child Protective Services. Ellen completed mediation training through the Maricopa County Superior Court Dispute Resolution Alternatives office and mediates small claims cases in the justice courts. She has also completed Ombudsman training sponsored by The Ombudsman Association, and basic and advanced investigator training through the Council on Licensure, Enforcement and Regulation. She is a graduate of Arizona State University.

Linda Stiles. Assistant Ombudsman. Linda joined the office in May 2002 after serving ten years with the Governor's Office and on contract to various state agencies and private businesses. At the Governor's Office, she held several positions geared toward improving the lives of Arizona's citizens, including serving as the director of the Governor's Office of Community and Family Programs, the Governor's Division for Children, the Office of Constituent Services, and as special assistant for Appointments to Boards and Commissions. Linda completed mediation training through Hy-View Mediation Services and Ombudsman training through the United States Ombudsman

Association. In addition, she completed the Basic Regulatory Investigator Course. She is a University of Arizona graduate.

Maricarmen Martinez, Assistant Ombudsman. Maricarmen joined the office in July 2002 after working with the Arizona Department of Transportation's Motor Vehicle Division for eight years. While working with MVD, she served as a supervisor at the call center inside Perryville prison, which allowed her to gain knowledge of the Department of Corrections policies, procedures, and rules. Her last position with MVD was in the Director's office, where she assisted constituents in researching and solving the most difficult problems within the division. She also volunteered with the Juvenile Probation system assisting in pre-court hearings. She attended law school at the Ibero-Americana University in Mexico City and is fluent in Spanish. Maricarmen has completed mediation training through Hy-View Mediation Services and Ombudsman training through the United States Ombudsman Association. She has also completed the Basic Regulatory Investigator Course.

CONTACTS BY AGENCY

Agency	Info/Referral	Assistance	Investigation	Total
Accountancy Board	2	1	0	3
Acupuncture, Board of Examiners of	0	1	0	1
Administration, Department of	19	9	2	30
Administrative Hearings, Office of	1	1	1	3
Agriculture, Department of	1	3	0	4
AHCCCS	69	79	5	153
Appraisal, Arizona Board of	2	1	1	4
Arizona Exposition and State Fair	1	0	0	1
Attorney General, Office of	40	8	1	49
Auditor General	1	0	0	1
Banking Department	21	9	1	31
Behavioral Health Examiners, State Board of	0	3	1	4
Boxing Commission	1	2	0	3
Building & Fire Safety, Department of	6	4	1	11
Charter Schools, Arizona State Board of	4	0	0	4
Chiropractic Examiners, State Board of	3	4	2	9
Citizens Clean Elections Commission	0	2	0	2
Commerce, Department of	7	0	0	7
Compensation Fund	1	2	0	3
Corporation Commission	35	2	1	38
Corrections, Department of	39	9	0	48
Cosmetology, Board of	26	4	1	31
Deaf and Blind, Arizona School for the	0	2	3	5
Dental Examiners, Board of	19	8	9	36
DES - Aging & Community Services	76	13	2	91
DES - Benefits and Medical Eligibility	44	97	7	148
DES - Child Protective Services	365	375	88	828
DES - Child Support Enforcement	43	114	31	188
DES - Children and Family Services	7	3	3	13
DES - Developmental Disabilities	7	16	5	28
DES - Employment and Rehabilitation	25	43	3	71
DES - Other	14	11	3	28
Developmental Disabilities Council	2	0	0	2
Dispensing Opticians	0	1	0	1
Education, Department of	9	8	0	17
Environmental Quality, Department of	7	5	4	16
Equalization, State Board of	1	0	0	1
Fire Marshall	0	1	0	1
Funeral Directors & Embalmers, State Board of	1	2	0	3
Game and Fish, Department of	0	3	1	4
Gaming, Department of	3	0	0	3
Governor, Office of	17	3	0	20
Health Services, Department of	64	14	9	87
Health Services, Vital Records Office	15	22	1	38
Industrial Commission	39	14	0	53
Insurance, Department of	30	7	2	39
Judicial Conduct, Commission on	9	1	0	10
Juvenile Corrections, Department of	1	3	3	7
Land, Department of	1	5	2	8
Legislature	69	3	0	72

Liquor Licenses and Control, Department of	2	1	0	3
Lottery	0	2	0	2
Manufactured Housing, Office of	0	1	0	1
Medical Board, Arizona	26	5	3	34
Naturopathic Physicians Board of Medical Examiners	2	1	0	3
Nursing, State Board of	7	11	6	24
Ombudsman	69	1	0	70
Optometry, State Board of	2	1	3	6
Osteopathic Examiners in Medicine and Surgery, Board of	1	1	0	2
Other - Government	413	39	0	452
Other - Private	499	22	0	521
Parks, Department of	1	1	1	3
Pharmacy, Board	3	0	0	3
Physical Therapy Examiners, Board of	0	0	2	2
Pioneers Home	1	1	1	3
Podiatry Examiners, State Board of	0	1	1	2
Private Post-Secondary Education, Board for	4	1	0	5
Psychologist Examiners, State Board of	3	3	4	10
Public Safety, Department of	10	5	2	17
Racing, Department of	0	0	1	1
Real Estate, Department of	10	7	1	18
Regents, Arizona Board of	2	1	0	3
Registrar of Contractors	24	17	5	46
Respiratory Care Examiners, Board of	1	1	1	3
Retirement System, Arizona State	10	10	4	24
Revenue, Department of	34	21	1	56
Secretary of State, Office of	9	1	1	11
Supreme Court	2	0	0	2
Technical Registration, Board of	3	1	1	5
Tourism, Office of	1	0	0	1
Transportation-Motor Vehicle Division	57	89	11	157
Transportation, Department of	9	9	3	21
Treasurer, Office of	1	0	0	1
Veterans' Services, Department of	6	1	1	8
Veterinary Medical Examining Board	2	3	0	5
Water Resources, Department of	3	3	0	6
Weights and Measures, Department of	3	0	0	3
TOTAL NUMBER OF CONTACTS	2365	1177	246	3788

REQUESTS FOR INVESTIGATION

Declined*	9
Complaint withdrawn or resolved during investigation	38
Investigation completed	192
Ongoing	7
TOTAL REQUESTS FOR INVESTIGATION	246

* The Ombudsman-Citizens' Aide has the statutory authority to decline to investigate a complaint if there is another adequate remedy available; the complaint relates to a matter that is outside the duties of the ombudsman-citizens aide; the complaint relates to an administrative act that the complainant has had knowledge of for an unreasonable time period; the complainant does not have a sufficient personal interest in the subject matter of the complaint; the complaint is trivial or made in bad faith; or the resources of the office of ombudsman-citizens aide are insufficient to adequately investigate the complaint.

INVESTIGATIVE FINDINGS

SUPPORTED/PARTIALLY SUPPORTED		71
Requires further consideration by agency	21	
Other action by agency required	24	
Referred to the legislature for further action	0	
Action was arbitrary or capricious	3	
Action was abuse of discretion	3	
Administrative act requires modification/cancellation	16	
Action was not according to law	8	
Reasons for administrative act required	1	
Statute or Rule requires amendment	1	
Insufficient or no grounds for administrative act	2	
INDETERMINATE		8
NOT SUPPORTED		113
TOTAL COMPLETED INVESTIGATIONS		192

Results of Investigations

